

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-12-2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.18019 of 1999

D.Balarama Reddiar

.. Petitioner.

Versus

1.The District Collector,
Cuddalore,
Cuddalore District.

2.The Inspector of Police,
Civil Supplies CID.,
Cuddalore District.

.. Respondents.

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent in his proceedings K5/46703/96 (wrongly typed as 96 instead of 98), dated 26.8.1999 and quash the same and consequently direct the respondents to release the seized goods i.e, 247 bags of boiled rice seized by the second respondent on 19.7.1998 from the petitioner's rice mill.

For petitioners : Mr.C.Prakasam

For respondents : Mr.V.Manoharan

Government Advocate

O R D E R

Heard Mr.C.Prakasam, the learned counsel appearing for the petitioner and Mr.V.Manoharan, the learned Government Advocate appearing for the respondents.

2. It is stated that the petitioner was carrying on rice mill business under the name and style of Raani Modern Rice at Pudukkadai, Cuddalore Taluk and District. The second respondent had inspected the business premises of the petitioner, on 19.7.1998 and seized 247 bags of boiled rice stating that the rice was meant to be supplied through the ration shops. Based on the report of the seizing authority, the first respondent had passed the impugned proceedings in K5/46703/96, dated 26.8.1999, by which the entire seized goods of 247 bags of boiled rice had been confiscated.

3. The main contention of the petitioner is that the first respondent had placed reliance on the mere statement of the seizing authority for passing the impugned order without any other evidence being available and without giving sufficient opportunity to the petitioner to refute the allegations made by the respondents.

4. It is submitted by the learned counsel appearing on behalf of the respondents that as against the impugned order passed by the first respondent, a statutory appeal is available to the petitioner, under Section 6-C of the Essential Commodities Act, 1955. *Section 6-C of the Essential Commodities Act, 1955*, reads as follows:

6-C.Appeal.- (1) Any person aggrieved by an order of confiscation under Section 6-A may, within one month from the date of the communication to him of such order, appeal to the State Government concerned and the State Government shall, after giving an opportunity to the appellant to be heard, pass such order as it may think fit, confirming, modifying or annulling the order appealed against.

(2) Where an order under Section 6-A is modified or annulled by the State Government, or where in a prosecution instituted for the contravention of the order in respect of which an order of confiscation has been made under Section 6-A, the person concerned is acquitted, and in either case it is not possible for any reason to return the essential commodity seized, such persons shall, except as provided by sub-section (3) of section 6-A, be paid the price therefor as if the essential commodity had been sold to the Government with reasonable interest calculated from the day of the seizure of the essential commodity and such price shall be determined -

(i) in the case of food grains, edible oilseeds or edible oils, in accordance with the provisions of sub-section (3-B) of section 3;

(ii) in the case of sugar, in accordance with the provisions of sub-section (3-C) of section 3; and

(iii) in the case of any other essential commodity, in accordance with the provisions of sub-section (3) of section 3.

5. However, the learned counsel appearing for the petitioner had submitted that at the time of the filing of the writ petition, the appellate authority had not been designated, as provided under

the Act. Therefore, the petitioner has come before this Court, by way of filing the present writ petition, under Article 226 of the Constitution of India. It is also submitted that at present the District Court, Cuddalore, has been designated as the appellate forum, under Section 6-C of the Essential Commodities Act, 1955, to hear and decide the appeals.

6. Considering the facts and circumstances of the case, the petitioner is granted liberty to file an appeal before the designated appellate authority, as provided under the law, within a period of *four weeks* from the date of receipt of a copy of this order. On such appeal being filed, the appellate authority is expected to dispose of the same expeditiously.

The writ petition is disposed of with the above direction. No costs.

Csh

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

To

1.The District Judge,
Cuddalore.

2.The District Collector,
Cuddalore,
Cuddalore District.

3.The Inspector of Police,
Civil Supplies CID.,
Cuddalore District.

1 cc to Mr.C.Prakasam, Advocate, SR.71463
1 cc to Government Pleader, SR.71542

bs (co)

dv/14.12.

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